

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Holly Bartlett Johnson,

Plaintiff,

vs.

Richland County School District Two;
Benjamin “Ben” Fields; Sheriff of
Richland County, *in his official capacity*,

Defendants.

Civil Action No. 3:16-cv-1987-CMC-PJG

ORDER

This matter is before the court on Defendant Richland County School District Two’s (hereinafter “RCSD”) motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6). ECF No. 6. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2), DSC, this matter was referred to United States Magistrate Judge Paige J. Gossett for pre-trial proceedings and a Report and Recommendation (“Report”).

RCSD filed its Motion to Dismiss on June 20, 2016. ECF No. 6. Because the motion was originally filed in state court before this action was removed, the Magistrate Judge entered a docket text order directing RCSD to file a supporting memorandum in accordance with D.S.C. Local Rule 7.04. ECF No. 7. RCSD filed its memorandum of law in support of its motion on July 1, 2016. ECF No. 10. Plaintiff filed her response in opposition to the motion to dismiss on July 19, 2016.

On October 18, 2016, the Magistrate Judge issued a Report recommending that RCSD’s motion to dismiss be granted. ECF No. 23. The Magistrate Judge advised the parties of the procedures and requirements for filing objections to the Report and the serious consequences if they failed to do so. Neither party filed objections.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). The court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

The court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. Finding none, the court adopts and incorporates the Report by reference. For the reasons set forth therein, RCSD’s motion to dismiss is **granted**. Defendant RCSD is **dismissed without prejudice**.

IT IS SO ORDERED.

Columbia, South Carolina
November 17, 2016

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge